

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

**INFORMATION DISCLOSURE  
STATEMENT**

Docket Number:  
**1662/568077**

Application Number  
**Not Yet Assigned**

Filing Date  
**Herewith**

Examiner  
**To be assigned**

Art Unit

Invention Title  
**POLYMORPHS OF FEXOFENADINE  
HYDROCHLORIDE**

Inventors  
**DOLITZKY et al.**

**Address to:**


Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. In accordance with the duty of disclosure under 37 C.F.R. § 1.56 and in conformance with the procedures of 35 U.S.C. §§ 1.97 and 1.98 and M.P.E.P. § 609, attorneys for Applicants hereby bring the following references to the attention of the Examiner. These references are listed on the attached modified PTO Form No. 1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b).
2. Copies of each patent, publication or other information listed on the modified PTO Form 1449 (except for the document marked with an asterisk(\*)) are not enclosed since they were previously cited by or submitted to the Patent Office in a prior application, Serial No. 10/118,807, which is relied upon for an earlier filing date under 35 U.S.C. 120.
3. The reference \*"Polymorphism in Pharmaceutical Solids" is a book and copies of the title page and table of contents are attached.

Dated:

Sept 12, 03

By:

  
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EV 332 46193445

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT  
PTO FORM 1449**

Atty. Docket No.  
1662/568077

Serial No.  
**To be Assigned**

Applicant(s)  
DOLITSKY et al.

Filing Date  
Herewith

Group

**U. S. PATENT DOCUMENTS**

EXAMINER'S INITIALS	PATENT NUMBER	PATENT DATE	NAME	CLASS	SUBCLAS S	FILING DATE*
	4,254,129	March 3, 1981	Carr et al.			
	4,636,499	January 13, 1987	Brandstrom et al.			
	4,659,716	April 21, 1987	Villani et al.			
	4,929,605	May 29, 1990	Domet et al.			
	5,375,693	December 27, 1994	Woosley et al.			
	5,578,610	November 26, 1996	D'Ambra			
	5,581,011	December 3, 1996	D'Ambra			
	5,589,487	December 31, 1996	D'Ambra			
	5,618,940	April 8, 1997	King et al.			
	5,631,375	May 20, 1997	King et al.			
	5,644,061	July 1, 1997	King et al.			
	5,650,516	July 22, 1997	King et al.			
	5,652,370	July 29, 1997	King et al.			
	5,654,433	August 5, 1997	King et al.			
	5,663,353	September 2, 1997	King et al.			
	5,663,412	September 2, 1997	D'Ambra			
	5,675,009	October 7, 1997	King et al.			
	5,738,872	April 14, 1998	Ortyl et al.			
	5,750,703	May 12, 1998	D'Ambra			
	5,855,912	January 5, 1999	Ortyl et al.			
	5,925,761	July 20, 1999	Senanayake et al.			
	5,932,247	August 3, 1999	Ortyl et al.			
	5,990,127	November 23, 1999	Meiwes et al.			
	5,994,549	November 30, 1999	D'Ambra			
	6,037,353	March 14, 2000	Woodward et al.			
	6,039,974	March 21, 2000	MacLaren et al.			

EXAMINER'S INITIALS	PATENT NUMBER	PATENT DATE	NAME	CLASS	SUBCLAS S	FILING DATE*
	6,113,942	September 5, 2000	Ortyl et al.			
	6,147,216	November 14, 2000	Krauss et al.			
	6,153,754	November 28, 2000	D'Ambra et al.			
	6,187,791	February 13, 2001	Woodward et al.			
	6,201,124	March 13, 2001	D'Ambra et al.			
	6,242,606	June 5, 2001	Krauss et al.			
	6,340,761	January 22, 2002	Krauss et al.			
	6,348,597	February 19, 2002	Krauss et al.			
	6,399,632	June 4, 2002	Woodward et al.			
	6,407,119	June 18, 2002	Ayers et al.			
	6,451,815	September 17, 2002	Hwang et al.			
	2001/0012896 A1	August 9, 2001	Henton et al.			
	2001/0014741 A1	August 16, 2001	Henton et al.			
	2001/0025106 A1	September 27, 2001	Henton et al.			

#### U.S. PATENT APPLICATIONS

EXAMINER INITIAL	SERIAL NUMBER	FILING DATE	NAME
	10/290,655	November 8, 2002	Krochmal et al.
	10/459,688	June 10, 2003	Krochmal et al.

#### FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
						YES	NO
	WO 00/71124 A1	Nov. 30, 2000	PCT				
	WO 01/94313 A2	Dec. 13, 2001	PCT				
	WO95/31437	Nov. 23, 1995	PCT				
	WO 97/22344	June 26, 1997	PCT				
	WO 93/21156	Oct. 28, 1993	PCT				
	WO 02/066429 A1	Aug. 29, 2002	PCT			Abs.	

# OTHER DOCUMENTS

EXAMINER'S INITIALS		AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.
		US Pharmacopia #23, National Formulary #18 (1995), Section (941) X-ray Diffraction, pp. 1843-1844
		*Polymorphism in Pharmaceutical Solids, H.G. Brittain, Ed., Marcel Dekker, Inc. New York, 1999

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	